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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,211	06/14/2001	Gavin Brebner	B-4213 618881-4	5120

7590 01/29/2007
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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	01/29/2007	PAPER

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/881,211
Filing Date: June 14, 2001
Appellant(s): BREBNER ET AL.

Robert Popa Reg. No. 43,010
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/30/2006 appealing from the Office action mailed 04/18/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6748426	Shaffer et al.	6-2004
6738841	Wolff	5-2004

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the related reliability indicator". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (6748426) (hereinafter Shaffer) in view of Wolff (6738841).

As per claim 3, as closely interpreted by the Examiner, Shaffer teaches a hard-copy output device including:

a memory, (e.g. col. 5, line 31 – col. 6, line 2, “*database*”),

a network interface, (e.g. col. 5, line 31 – col. 6, line 2),

a location server for receiving location data and storing it in the memory and for responding to client requests received via the network interface to return location information comprising, or derived from, the location data stored in memory, (e.g., col. 5, line 31 – col. 6, line 29).

but does not specifically teach a wireless interface for receiving data.

Wolff teaches a wireless interface for receiving data, (e.g. col. 8, lines 48 – 68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff with Shaffer because utilizing a wireless link to a printer gives a user the mobility to transmit and/or print data in any area that the printer and/or printer server can accommodate.

As per claim 4, as closely interpreted by the Examiner, Shaffer teaches the location server is operative to cause the form of the received location data to be converted from a first form to a second form prior to storage in said memory, one of the first and second forms being a semantic

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location form and the other a form based on geographic coordinates, (e.g. col. 5, line 31 – col. 6, line 37, “*Linkage Key*”).

As per claim 5, as closely interpreted by the Examiner, Shaffer teaches the location server effects said conversion by using a conversion service which it contacts over the network, (e.g. col. 5, line 31 – col. 6, line 37, “*Linkage Key*”).

As per claim 6, as closely interpreted by the Examiner, Shaffer teaches the location server is operative to cause the form of the stored location information to be converted from a first form to a second form for output in response to a said client request, one of the first and second forms being a semantic location form and the other a form based on geographic coordinates, (e.g., col. 18, lines 19 – 56 & col. 21, lines 23 – 67).

As per claim 7, as closely interpreted by the Examiner, Shaffer teaches the location server effects said conversion by using a conversion service which it contacts over the network, (e.g., col. 18, lines 19 – 56 & col. 21, lines 23 – 67).

As per claim 8, as closely interpreted by the Examiner, Shaffer teaches the received location data includes a reliability indicator which the location server uses to determine whether or not to overwrite existing location data, if any, held in said memory, (e.g. col. 5, line 31 – col. 6, line 37).

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As per claim 9, as closely interpreted by the Examiner, Shaffer teaches the related reliability indicator is stored where the location server decides to store the newly received location data, the location server when determining whether to store newly received location data, taking account of the relative reliabilities of the stored and newly received information as indicated by their related reliability indicators, (e.g. col. 5, line 31 – col. 6, line 37).

As per claim 10, as closely interpreted by the Examiner, Shaffer teaches said reliability indicator indicates whether the location data has been received directly from an entity with a primary source of location data or from an entity which itself received the data from another entity, the location server preferentially storing or retaining location data received directly from an entity with a primary source of location data, (e.g. col. 5, line 31 – col. 6, line 37).

Claims 1, 2, 11 – 19 are rejected for similar reasons as stated above.

Response to Arguments

Applicant's arguments with respect to claims 1 – 19 have been considered but are moot in view of the new ground(s) of rejection.

(10) Response to Argument

In the arguments, Appellant states in substance that they respectfully disagrees with Examiner in that claim 9 is not indefinite under 35 U.S.C. 112 for reciting “the related reliability indicator” and explained in their immediately preceding submission that claim 9 depends from claim 8, which recites that the received location data includes a reliability indicator which the location server uses to determine whether or not to overwrite existing location data.

As to the **first** argument, Examiner assumed that “a reliability indicator” could have been separate than “the related reliability indicator” since they are not written in the same manner, i.e., why would one put “related” in front of the term if it would be understood that the dependent claim was referring to the same term, **unless** there were **two** different “reliability indicators”. Furthermore, claim 10, which is dependent on claim 9 states “said reliability indicator” instead of “said related reliability indicator” which could also make one interpret that claim 10 is referring to the “reliability indicator” of claim 8 and not claim 9.

In the arguments, Appellant states in substance that Shaffer does not in fact teach a hard-copy output device comprising a location server for receiving and storing location data in the memory and for responding to client requests received via the network interface to return location information comprising, or derived from, the location data stored in memory. Furthermore, there is nothing to motivate the combination of Shaffer and Wolff.

As to the **last** argument, with response to Appellant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually where the

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rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As to the limitations of, “hard-copy output device comprising a location server for receiving and storing location data in the memory and for responding to client requests received via the network interface to return location information comprising, or derived from, the location data stored in memory”, the claim language is broad in that it also does not disclose who’s or what “location information” is being requested and returned, i.e., the hard-copy output device’s location information, another user’s location information, servers locations in the network, etc. The claim language is also broad in interpretation as to where the location information is being returned to and it is assumed that the Appellant means it is just a simple response to a request for information.

Therefore with one interpretation of the claim language, Shaffer utilizes and stores location data which Appellant even agrees to, page 4 of Appeal Brief, “...and can be “DPC, Zip+4, State-county/census tract/census block, coordinate interleaved pair (lat/lon) or quat-tree, IP addresses, ...”” which can be found column 5, under “M. Linkage Key (LK)” and column 6, lines 40 et seq. Furthermore, it should be very apparent to the Appellant that Wolff teaches “a hard-copy output device” which is found on the front page of the Wolff patent which is Figure 2, elements 250 and 255. Appellant does not specifically state what a “hard-copy output device” is or could be in the claim language and therefore left for interpretation. A printer is known in the art as a “hard-copy output device” for it prints out hard copies of documents sent to it. Furthermore, Appellant’s specification states a printer 26, which interacts with users on a network. Wolff can also be relied upon to teach “responding to client requests received via the

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network interface to return location information comprising, or derived from, the location data stored in memory, (col. 6, lines 20 – 32, “Moreover, client 210 may interact with printer server 255 even though client 210 is unaware of the printer server 255. Further, **printer server 255 may handle additional configuration tasks such as having the user select a printer by presenting the user with a network page showing printer locations and including a hypertext map of the printers.**”). The **combination** of Shaffer and Wolff would have not only been obvious as stated above but would further be obvious to combine the printer 250 that has a printer server 255 within it, and the location server presented in Shaffer for utilizing the type of location information that Shaffer stores and can retrieve for a more complete search of information about specific devices on a network and there overall location, IP or geographic. Such as an example of using Shaffer’s ability to put in a parameter value such as the LKIPV, such as a Zip code, and can be used to link to other information associated with a device such as an IP address or latitude and longitude with the information stored in a Linkage Key (LK), column 5, “*L. Linkage Key Input Parameter Values (LKIPV)*”, “*M. Linkage Key (LK)*”, and column 6, line 30 – column 7, line 2. Furthermore, information about other devices, printers and/or printer servers could be stored in these servers and/or database and users can find location information about said devices, printers and/or printer servers with their extended location from the LK.

Furthermore, when reviewing a reference the Appellant should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed.

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Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

(11) Related Proceeding(s) Appendix

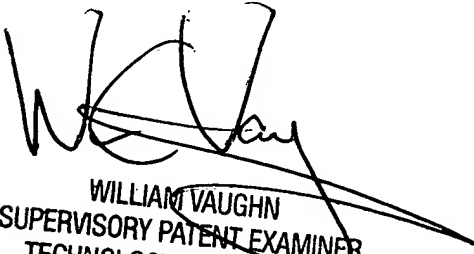
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

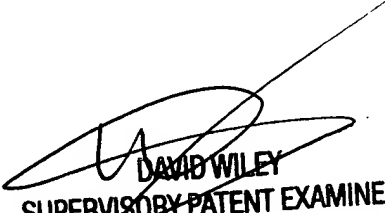
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

DE 

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